

REMARKS

Upon entry of the Amendment, Claims 23-40 and 42-59 are all the claims pending in the application. Claim 1 has been amended. Claim 41 has been cancelled. The subject matter of cancelled Claim 41 has been added to Claim 1. Therefore, no new matter has been added.

I. Election/Rejection

In response to the Restriction Requirement, Applicant confirms election of Group I, Claims 23-43, drawn to a kit comprising a balloon catheter with stent mounted on its distal end for examination. This election is made without traverse.

II. Claim Rejections - 35 U.S.C. § 102

Claims 23-28 have been rejected under 35 U.S.C. § 102(e) as allegedly being fully anticipated by U.S. Patent No. 5,997,517 to Whitbourne ("Whitbourne '517'").

Without admitting that the rejection is correct, Applicants respectfully submit that Whitbourne '517 does not disclose, teach, or suggest the kit recited in Claim 23. At page 4 of the Office Action, the Examiner has indicated that Claims 29-43 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." The subject matter of Claim 41 has been added to Claim 23. Claims 24-28 depend directly or indirectly from Claim 23. Reconsideration and withdrawal of this rejection is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the


Amendment Under 37 C.F.R. § 1.111
Appln. No. 10/018,783

Attorney Docket No Q67462

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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Date: March 30, 2006